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TOWN OF LYNDON
NOTICE OF PUBLIC HEARING

Notice is hereby given to the residents of the Town of Lyndon, VT that the Lyndon Planning Commission will hold a public hearing in the Lyndon Municipal Building, Conference Room on Wednesday, May 1st, 2013 at 6:30 p.m. This hearing will be held for public review of and comment on the Zoning By-laws pursuant to Title 24 VSA, Chapter 117.

The proposed Zoning By-law changes are to update parking required to be provided based on unit/occupancy, adopt a standardized parking stall size and aisle width for our current zoning by-laws. In addition, there is one zoning district boundary line amendment. Finally, there are some previously undefined terms that were added to the definitions section of the zoning by-laws. The purpose of the parking changes is to provide the Applicant and the Development Review Board with a clearly defined set of standards to ensure safe parking, traffic circulation, both on-site and with the adjoining street networks. The purpose of the zoning district boundary line amendment is to shrink the Lyndon Corner Industrial District and return a portion of it to the Rural Residential District which almost completely surrounds the Lyndon Corner Industrial District. The Boundary line adjustment will shrink the "spot zoned" Lyndon Corner Industrial District by approximately 5 acres at the landowner's request.

LYNDON ZONING BY-LAWS PARKING REQUIREMENTS

Parking Stall Size

Aisle Width Size

Multi-Family Residential

Bar/Restaurant

ZONING DISTRICT BOUNDARY LINE ADJUSTMENTS

York Street: Lyndon Corner Industrial District decreased by 5 acres down to 3 acres. The 5 Acres will be added to the Rural Residential District.

DEFINITION OF TERMS

Farm Structure

Manufacturing

Copies of the proposed amendments to the Lyndon Zoning By-laws may be obtained at the Lyndon Municipal Building.

Dated in Lyndon, Vermont, April 2, 2013.

Lyndon Planning Commission

Town of Lyndon Planning Commission Reporting Form for Municipal Bylaw Amendment.

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments.

(A) The Town of Lyndon Planning Commission is proposing to add specific language regarding parking stall and aisle widths sizes to the Lyndon zoning by-laws. In addition the Commission is proposing some changes to the parking requirements for certain uses. The Planning Commission is also proposing to shrink the Lyndon Corner Industrial District (at the owner’s request) which is a spot zone surrounded by Rural Residential and Residential Neighborhood Districts. The land which is removed will be added to the Rural residential District. Finally, the Planning Commission is proposing the addition of some definitions to the by-laws to clarify some uses.

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

The Town of Lyndon’s by-laws currently list parking requirements for various uses throughout the town, but the by-laws do not provide any guidance to Applicants or the Development Review Board as to how big a parking stall should be, or how wide an aisle width should be based upon the angle (30, 45, 60, 90 degrees) at which the parking is designed.

- Improve Rte. 5 as the “gateway” to Lyndon through visual coherence and **consistent decisions regarding traffic flow**, appearance and signage.
- Major goal is to “improve the traffic flow on major routes including **access & egress from parking areas** and side roads.
- Study Lyndon and Lyndonville’s public and private parking facilities to better understand, amount, usage, and availability of arrangements. The Development Review Board and Police Department have made the Planning Commission aware of parking concerns, in particular with Multi-family dwellings in the Village Commercial and Residential Neighborhood Districts. In particular vehicles parking on the street overnight and parking more than two hours in zones designed with two hour time limits. It is clear there are residential properties that need to develop more on-site parking for their tenants or find alternatives to parking on the street.

The Town of Lyndon currently has a zoning district named Lyndon Corner Industrial District it is described as follows: "The Lyndon Corner Industrial District (LCI) is located at the west end of York Street in Lyndon Corner. It is occupied by a successful furniture manufacturing company providing substantial employment. It is bordered on the south and west by rural land, and on the north and east by a residential area. The purpose of the zone is to minimize the adverse effects of a manufacturing facility in a residential and rural area, to protect the capital investment in the property and the employment opportunities it provides to the community, and to control the growth of the industrial use of the property."

- The Planning Commission recognizes this as a textbook example of "spot zoning". In 1996 when the by-laws were adopted the planning commission at the time did the best it could at dealing with a less than ideal situation. The Commission needed to deal with a furniture manufacturer that employed 80 residents, while also protecting a residential neighborhood and rural area. The Commission created an 8 acre zone with only one use. The property owner chose to expand in a more appropriate location in the St. Johnsbury/Lyndon Industrial Park. Since the factory did not and will not expand at the York Street location the property owner has requested a reduction in the size of the LCI District by 5 acres, which will be returned to Rural Residential District which abuts it on all but one side. This boundary line adjustment serves everyone well; it reduces a spot zoning district; it protects the residential and rural neighbors, and fulfills the property owners' request for a boundary line adjustment that they have sought out.

The goal of the Planning Commission and town plan is to provide clear and precise set of zoning regulations that are easy to follow for both the Applicant and the Development Review Board. The Commission in reviewing the Zoning By-laws and listening to recommendation from the Development Review Board found a couple of terms that were not defined within the regulations.

- For the sake of clarity the Planning Commission added definitions for Farm Structure and Manufacturing to the list of definitions.

The Planning Commission firmly believes the amendments to Lyndon's zoning by-laws conform with, and further the goals and policies contained in the municipal plan. The Planning Commission does not believe that the changes in the zoning by-laws will have any affect on the availability of safe and affordable housing.

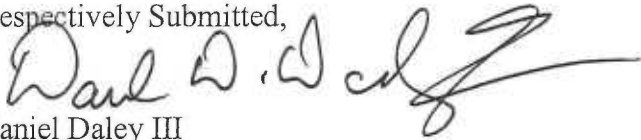
2. *Is compatible with the proposed future land uses and densities of the municipal plan:*

With regard to the zoning district boundary adjustment, in particular the Planning Commission feels strongly that the new zoning district boundary is more compatible with the uses taking place in the area than the current zoning boundary for the LCI District.

3. *Carries out, as applicable, any specific proposals for any planned community facilities."*

Not applicable

Respectively Submitted,

A handwritten signature in black ink, appearing to read "Daniel Daley III", with a long horizontal flourish extending to the right.

Daniel Daley III
Chairperson, Planning Commission

- 5.4.1 The capacity of existing or planned community facilities.
- 5.4.2 The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- 5.4.3 Traffic on roads and highways in the vicinity.
- 5.4.4 By-laws and Ordinances then in effect.
- 5.4.5 Utilization of renewable energy resources.
- 5.4.6 Performance standards pursuant to Section 4414 (5) of the Act and Section 4.4.5 of this bylaw.

5.5 In any district, a non-conforming structure may be maintained, repaired and replaced provided that such action does not increase the degree of non-compliance in any respect.

ARTICLE VI

OFF-STREET PARKING REGULATIONS

6.1 **Village Commercial District.**

6.1.1 An applicant for a permit affecting property in the Village Commercial District is not required to provide off-street parking if the applicant establishes and the DRB finds either:

6.1.1.1 that the proposed use will not create an undue burden on the parking facilities then existing in the Village Commercial District, or

6.1.1.2 the applicant's proposed use does not require a greater number of parking spaces than the prior use of the property according to the chart set forth below, and

6.1.2 The proposed use is a Permitted Use in the Village Commercial District.

6.2 **All Other Districts.** In all other cases, in all districts, an applicant for a permit shall demonstrate in the application that the property for which the permit is sought has the capacity to provide parking as follows:

<u>Use</u>	<u>Parking Spaces Required</u>
Lodging House	1 for each lodging unit
Residential 1-2 family	2 per dwelling unit
Multiple family dwellings	2 per dwelling unit * (changed from 1 1/2)
Church, school	1 per 3 seats in principal assembly room
Private club or lodge	1 per 6 members
Theater	1 per 6 seats

Hospital, nursing & convalescent home	1 per 3 beds and 1 for each employee
Professional office, business service and medical clinic	1 per every 250 square feet of gross area
Retail business, personal service establishment	1 per every 350 square feet of gross area
Eating, drinking establishment	1 per every 3 seats * (changed from 1 per 4 seats)
Industrial	1 per each 1.2 employees, based on the highest expected employee occupancy in the 10 year period following the date of the application
Funeral home	1 per every 75 square feet of floor space
Other uses	As required by the Planning Commission after site plan review.

6.3 General.

6.3.1 An applicant for a permit may request the Development Review Board to authorize the issuance of a permit waiving the physical development of all of the off-street parking spaces required in accordance with the foregoing chart. If the Development Review Board finds, after hearing, that the applicant has demonstrated that the applicant's requirement for physically developed parking spaces will be fewer in number than the number computed according to the foregoing chart, then the Development Review Board may authorize the issuance of a permit requiring such lesser number of parking spaces as the Development Review Board finds is appropriate. If the Development Review Board authorizes the issuance of a permit pursuant to this section, it shall be a condition of the permit that if the physically developed parking spaces prove in actual practice to be insufficient to accommodate the applicant's parking requirements, the Development Review Board shall require the physical development of additional parking spaces sufficient to meet the actual parking requirements but not to exceed the number required by the foregoing chart.

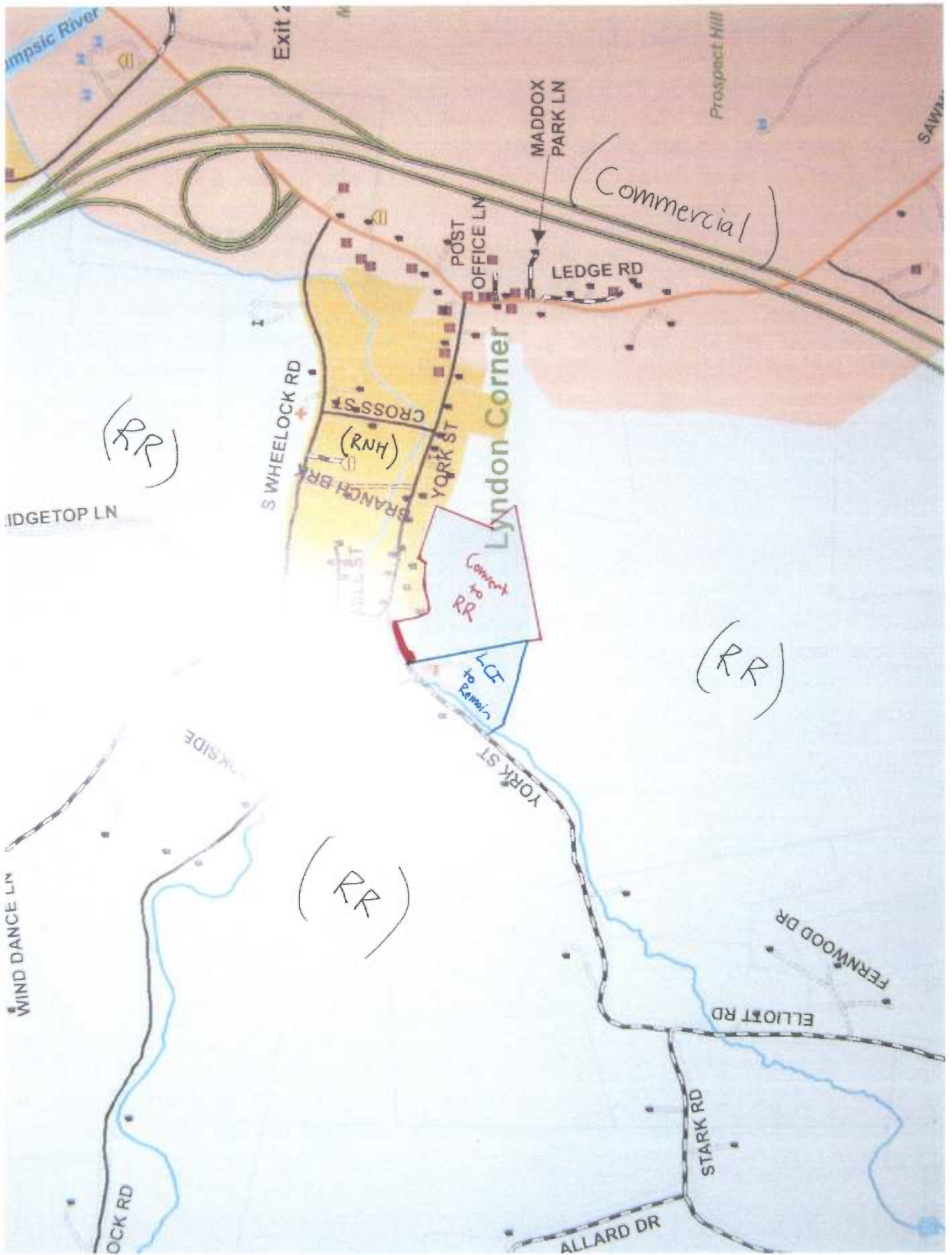
6.3.2 It is the purpose of this section to prevent the parking of motor vehicles on streets and roads and to require property owners to provide parking for motor vehicles sufficient to accommodate parking requirements created by the applicant's proposed use of property.

6.4 Minimum Parking Lot and Parking Stall Requirements.

Minimum Parking Lot and Parking Stall Requirements				
All On-site Parking Stalls Shall be a Minimum of 9'W X 20'L				
90° Parking Stalls assumes two-way traffic in the aisles.				
30°, 45°, 60° Parking Stalls assumes one-way traffic in the aisles.				
Parking Angle:	30°	45°	60°	90°
Minimum Aisle Width:	11'	13'	20'	25'

* Added Table

“Farm Structure” In accordance with 4413 (d) of the Act, any building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agriculture or accepted agricultural practices. This includes a silo or a farm stand for the sale of agricultural products principally produced on the farm, but specifically excludes other types of farm stands and dwellings for human habitation. See also Accepted Agricultural Practices, Agriculture, Farmstand.



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Department of Economic,
Housing and Community Development